



European Communities Act 1972

1972 CHAPTER 68

PART II

AMENDMENT OF LAW

4 General provision for repeal and amendment.

- (1) The enactments mentioned in Schedule 3 to this Act (being enactments that are superseded or to be superseded by reason of Community obligations and of the provision made by this Act in relation thereto or are not compatible with Community obligations) are hereby repealed, to the extent specified in column 3 of the Schedule, with effect from the entry date or other date mentioned in the Schedule; and in the enactments mentioned in Schedule 4 to this Act there shall, subject to any transitional provision there included, be made the amendments provided for by that Schedule.
- (2) Where in any Part of Schedule 3 to this Act it is provided that repeals made by that Part are to take effect from a date appointed by order, the orders shall be made by statutory instrument, and an order may appoint different dates for the repeal of different provisions to take effect, or for the repeal of the same provision to take effect for different purposes; and an order appointing a date for a repeal to take effect may include transitional and other supplementary provisions arising out of that repeal, including provisions adapting the operation of other enactments included for repeal but not yet repealed by that Schedule, and may amend or revoke any such provisions included in a previous order.
- (3) Where any of the following sections of this Act, or any paragraph of Schedule 4 to this Act, affects or is construed as one with an Act or Part of an Act similar in purpose to provisions having effect only in Northern Ireland, then—
 - (a) unless otherwise provided by Act of the Parliament of Northern Ireland, the Governor of Northern Ireland may by Order in Council make provision corresponding to any made by the section or paragraph, and amend or revoke any provision so made; and
 - (b)

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- (4) Where Schedule 3 or 4 to this Act provides for the repeal or amendment of an enactment that extends or is capable of being extended to any of the Channel Islands or the Isle of Man, the repeal or amendment shall in like manner extend or be capable of being extended thereto.

Textual Amendments

- F1** S. 4(3)(b) repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), **Sch. 6 Pt. I**

Modifications etc. (not altering text)

- C1** S. 4 modified by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, **Sch. 9 para. 6(1)(b)**
- C2** Power of appointment conferred by s. 4(2) partly exercised: [S.I. 1973/135](#), 1973/1019, 1973/2176; 1974/1816; 1975/1164, 1975/1484, 1975/1485, 1975/1487; 1976/509, 1976/548, 1976/840, 1976/914, 1976/975, 1976/1304, 1976/1831, 1976/1883, 1976/1886, 1976/1887, 1976/2016; 1977/76, 1977/901, 1977/358, 1977/1026, 1977/1049, 1977/2028; 1978/1003, 1978/1420; 1979/133; 1981/1192; 1982/1048
- C3** Reference in s. 4(3)(a) to an Act of the Parliament of Northern Ireland to be construed as including a reference to a Measure of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), **Sch. 5 para. 1(1)**
- C4** In s. 4(3)(a) reference to the making of an Order in Council by the Governor of Northern Ireland to be construed as a reference to the making of an order by the Secretary of State: [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), **Sch. 5 para. 4(2)**

5 Customs duties.

- (1) Subject to subsection (2) below, on and after the relevant date there shall be charged, levied, collected and paid on goods imported into the United Kingdom such Community customs duty, if any, as is for the time being applicable in accordance with the Treaties or, if the goods are not within the common customs tariff of the Economic Community and the duties chargeable are not otherwise fixed by any directly applicable Community provision, such duty of customs, if any, as the Treasury, on the recommendation of the Secretary of State, may by order specify.

For this purpose “the relevant date”, in relation to any goods, is the date on and after which the duties of customs that may be charged thereon are no longer affected under the Treaties by any temporary provision made on or with reference to the accession of the United Kingdom to the Communities.

- (2) Where as regards goods imported into the United Kingdom provision may, in accordance with the Treaties, be made in derogation of the common customs tariff or of the exclusion of customs duties as between member States, the Treasury may by order make such provision as to the customs duties chargeable on the goods, or as to exempting the goods from any customs duty, as the Treasury may on the recommendation of the Secretary of State determine.

[^{F2}(3) Schedule 2 to this Act shall also have effect in connection with the powers to make orders conferred by subsections (1) and (2) above.]

- (4) ^{F3}
- (5) ^{F4}
- (6A) ^{F5}

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(7) F6

Subordinate Legislation Made

- P1 S. 5: for exercises of this power before 01.02.1991 see Index to Government Orders
P2 S. 5(1)(3): s. 5(1) (with s. 5(3) and Sch. 2 para. 4) power exercised (15.11.1991) by S.I.1991/2583

Textual Amendments

- F2 S. 5(3) substituted by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(1), Sch. 2 para. 3
F3 S. 5(4) repealed by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177, Sch. 6 Pt. I, Sch. 7 para. 5
F4 S. 5(5)(6) repealed by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(2), Sch. 3 Pt. I
F5 S. 5(6A) inserted by Finance Act 1978 (c. 42, SIF 40:1), s. 6(8), and repealed by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(2), Sch. 3 Pt. I
F6 S. 5(7)–(9) repealed by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177, Sch. 6 Pt. I

Modifications etc. (not altering text)

- C5 S. 5 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), Sch. 2 para. 3
C6 S. 5(1) extended by Finance Act 1977 (c. 36, SIF 40:1), s. 10(4)

6 The common agricultural policy.

F7(1)

F7(2)

- (3) Sections 5 and 7 of the ^{M1}Agriculture Act 1957 (which make provision for the support of arrangements under section 1 of that Act for providing guaranteed prices or assured markets) shall apply in relation to any Community arrangements for or related to the regulation of the market for any agricultural produce as if references, in whatever terms, to payments made by virtue of section 1 were references to payments made by virtue of the Community arrangements by or on behalf of [^{F8}the relevant Minister and as if for every reference in section 5 to the Minister there were substituted a reference to the relevant Minister.]
- (4) Agricultural levies of the Economic Community, so far as they are charged on goods exported from the United Kingdom or shipped as stores, shall be paid to and recoverable by [^{F9}the relevant Minister]; and the power of [^{F9}the relevant Minister] to make orders under section 5 of the ^{M2}Agriculture Act 1957, as extended by this section, shall include power to make such provision supplementary to any directly applicable Community provision as [^{F9}the relevant Minister considers] necessary for securing the payment of any agricultural levies so charged, including provision for the making of declarations or the giving of other information in respect of goods exported, shipped as stores, or otherwise dealt with.
- (5) Except as otherwise provided by or under any enactment, agricultural levies of the Economic Community, so far as they are charged on goods imported into the United Kingdom, shall be levied, collected and paid, and the proceeds shall be dealt with, as

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if they were Community customs duties, and in relation to those levies the following enactments shall apply as they would apply in relation to Community customs duties, that is to say:—

- [^{F10}(a) the ^{M3}Customs and Excise Management Act 1979 (as for the time being amended by any later Act) and any other statutory provisions for the time being in force relating generally to customs or excise duties on imported goods; and]
- [^{F11}(b) sections 1, 3, 4, 5, 6 (including Schedule 1), 7, 8, 9, 12, 13, 15, 17 and 18 of the ^{M4}Customs and Excise Duties (General Reliefs) Act 1979 but so that—
- (i) any references in sections 1, 3 and 4 to the Secretary of State shall include the Ministers; and
 - (ii) the reference in section 15 to an application for an authorisation under regulations made under section 2 of that Act shall be read as a reference to an application for an authorisation under regulations made under section 2(2) of this Act;]

and, if, in connection with any such Community arrangements as aforesaid, the Commissioners of Customs and Excise are charged with the performance, on behalf of the Board or otherwise, of any duties in relation to the payment of refunds or allowances on goods exported or to be exported from the United Kingdom, then in relation to any such refund or allowance [^{F12}section 133 (except subsection (3) and the reference to that subsection in subsection (2) and section 159 of the ^{M5}Customs and Excise Management Act 1979 shall apply as they apply in relation to a drawback of excise duties], and other provisions of that Act shall have effect accordingly.

- (6) The enactments applied by subsection (5)(a) above shall apply subject to such exceptions and modifications, if any, as the Commissioners of Customs and Excise may by regulations prescribe, and shall be taken to include section 10 of the ^{M6}Finance Act 1901 (which relates to changes in customs import duties in their effect on contracts), but shall not include [^{F13}section 126 of the ^{M7}Customs and Excise Management Act 1979] (charge of duty on manufactured or composite articles).

^{F14}(7)

- (8) Expressions used in this section shall be construed as if contained in Part I of the ^{M8}Agriculture Act 1957; and in this section “agricultural levy” shall include any tax not being a customs duty, but of equivalent effect, that may be chargeable in accordance with any such Community arrangements as aforesaid, and “statutory provision” includes any provision having effect by virtue of any enactment and, in subsection (2), any enactment of the Parliament of Northern Ireland or provision having effect by virtue of such an enactment.

Textual Amendments

- F7** S. 6(1)(2) repealed (15.11.2001) by S.I. 2001/3686, **regs. 1(1), 3(a)**
- F8** Words in s. 6(3) substituted (15.11.2001) by S.I. 2001/3686, **regs. 1(1), 3(b)**
- F9** Words in s. 6(4) substituted (15.11.2001) by S.I. 2001/3686, **regs. 1(1), 3(c)**
- F10** S. 6(5)(a) substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F11** S. 6(5)(b) substituted by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(1), **Sch. 2 para. 4**
- F12** Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12** Table Pt. I

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- F13** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F14** [S. 6\(7\)](#) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993 but 4.8.1993 so far as relating to potatoes) by 1993, c. 51, ss. 64, 65, [Sch. 5](#) (subject to provision at the end of [Sch. 5](#)); [S.I. 1993/2038](#), **art. 2**.

Modifications etc. (not altering text)

- C7** [S. 6](#) excluded (N.I.) by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), s. 2(2), **Sch. 2 para. 3**
- C8** Functions of the Ministers under s. 6 now exercisable by the Ministers and the Secretary of State for Wales jointly: [S.I. 1978/272](#), [art 4\(2\)](#), **Sch. 2**
- C9** [S. 6](#) modified (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, **Sch. 2 Pt. I para. 52(1)**; [S.I. 1998/3178](#), **art. 2(1)**
[S. 6](#): transfer of functions (27.12.1999) by [S.I. 1999/3141](#), arts. 2(1)(5), 3, **Sch.**

Marginal Citations

- M1** [1957 c. 57\(2:10\)](#).
M2 [1957 c. 57\(2:10\)](#).
M3 [1979 c. 2\(40:1\)](#).
M4 [1979 c. 3\(40:1\)](#).
M5 [1979 c. 2\(40:1\)](#).
M6 [1901 c. 7\(40:1\)](#).
M7 [1979 c. 2\(40:1\)](#).
M8 [1957 c. 57\(2:10\)](#).

- 7** (1) **F15**
(3) **F16**

Textual Amendments

- F15** [S. 7\(1\)\(2\)](#) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55, SIF 2:1\)](#), **Sch. 4 Pt. I**
- F16** [S. 7\(3\)\(4\)](#) repealed by [Food Act 1984 \(c. 30, SIF 53:1\)](#), **Sch. 11**

- 8** **F17**

Textual Amendments

- F17** [S. 8](#) repealed by [Films Act 1985 \(c. 21, SIF 45A\)](#), s. 74, **Sch. 2**

- 9** **F18**

Textual Amendments

- F18** [S. 9](#) repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 29, **Sch. 1**

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10 F19

Textual Amendments

F19 S. 10 repealed by Restrictive Trade Practices Act 1976 (c. 34, SIF 124:1), **Sch. 6**

11 Community offences.

(1) A person who, in sworn evidence before the European Court [^{F20}or any court attached thereto], makes any statement which he knows to be false or does not believe to be true shall, whether he is a British subject or not, be guilty of an offence and may be proceeded against and punished—

- (a) in England and Wales as for an offence against section 1(1) of the ^{M9}Perjury Act 1911; or
- (b) in Scotland as for an offence against [^{F21}section 44(1) of the Criminal Law (Consolidation) (Scotland) Act 1995]; or
- (c) in Northern Ireland as for an offence against [^{F22}Article 3(1) of the ^{M10}Perjury (Northern Ireland) Order 1979].

Where a report is made as to any such offence under the authority of the European Court [^{F20}or any court attached thereto] then a bill of indictment for the offence may, [^{F23}in England or Wales or] in Northern Ireland, be preferred as in a case where a prosecution is ordered under [^{F23}section 9 of the ^{M11}Perjury Act 1911 or][^{F22}Article 13 of the ^{M12}Perjury (Northern Ireland) Order 1979], but the report shall not be given in evidence on a person's trial for the offence.

(2) Where a person (whether a British subject or not) owing either—

- (a) to his duties as a member of any Euratom institution or committee, or as an officer or servant of Euratom; or
- (b) to his dealings in any capacity (official or unofficial) with any Euratom institution or installation or with any Euratom joint enterprise;

has occasion to acquire, or obtain cognisance of, any classified information, he shall be guilty of a misdemeanour if, knowing or having reason to believe that it is classified information, he communicates it to any unauthorised person or makes any public disclosure of it, whether in the United Kingdom or elsewhere and whether before or after the termination of those duties or dealings; and for this purpose “classified information” means any facts, information, knowledge, documents or objects that are subject to the security rules of a member State or of any Euratom institution.

This subsection shall be construed, and the ^{M13}Official Secrets Acts 1911 to 1939 shall have effect, as if this subsection were contained in the Official Secrets Act 1911, but so that in that Act sections 10 and 11, except section 10(4), shall not apply.

(3) This section shall not come into force until the entry date.

Textual Amendments

F20 Words inserted by European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), **s. 2(b)**

F21 Words in s. 11(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 8**

F22 Words substituted by S.I. 1979/1714 (N.I. 19), **Sch. 1**

F23 Words repealed (E.W.) by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), **s. 31(6) Sch. 2**

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Modifications etc. (not altering text)

- C10** S. 11 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**
- C11** S. 11(1): power to modify conferred (*prosp.*) by 1997 c. 47, s. 7(2)

Marginal Citations

- M9** 1911 c. 6(39:3).
- M10** S.I. 1979/1714 (N.I. 19).
- M11** 1911 c. 6(39:3).
- M12** S.I. 1979/1714 (N.I. 19).
- M13** 1911 c. 28(39:2).

12 Furnishing of information to Communities.

Estimates, returns and information that may under section 9 of the ^{M14}Statistics of Trade Act 1947 or section [^{F24}3 of the ^{M15}Agricultural Statistics Act 1979] be disclosed to a government department [^{F25}, the Scottish Ministers] or Minister in charge of a government department may, in like manner, be disclosed in pursuance of a Community obligation to a Community institution.

Textual Amendments

- F24** Words substituted by Agricultural Statistics Act 1979 (c. 13, SIF 2:1), s. 7(1), **Sch. 1 para. 4**
- F25** Words in s. 12 inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 52(3)**; S.I. 1998/3178, **art. 2(1)**

Modifications etc. (not altering text)

- C12** S. 12 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**

Marginal Citations

- M14** 1947 c. 39(124:1).
- M15** 1979 c. 13(2:1).

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